

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TENNESSEE EASTERN DIVISION**

TRACY ARNOLD AND BILL ARNOLD

Plaintiffs,

and

v.

**CITY OF CRUMP, LARRY
WILBANKS, RANDALL WARREN,
TIM KELLY, AND
GLEN SPENCER**

Defendants.

No. 1:18-cv-01227-STA-egb

DEFENDANTS' MOTION TO DISMISS

Under Rule 12(b)(6), Defendants move the Court to dismiss the Arnolds' lawsuit for the following reasons:

- The one-year statute of limitations bars the Arnolds' claims.
- There are no factual allegations from which the Court could reasonably infer that either the Fifth Amendment or the Thirteenth Amendment applies to this case.
- The Arnolds have failed to state a claim that the arrest of Tracy Arnold or the seizure of the van violates the Fourth Amendment.
- Because this case involves an arrest and seizure by the police, the Arnolds cannot pursue a Fourteenth Amendment claim.
- The Arnolds have failed to state a claim for violation of their right to associate.

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- The Arnolds have failed to state claims under 42 U.S.C. §§ 1985(3) and 1986.
- Because the Arnolds have not complied with Fed.R.Civ.P. 5.1, they cannot challenge the constitutionality of Tenn. Code Ann. § 5-8-102.

The Defendants' arguments are set out in the supporting memorandum filed with their motion.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, PLC

s/ Dale Conder, Jr.
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CERTIFICATE OF SERVICE

I certify that on February 19, 2019, I electronically filed this document. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Tracy Arnold
Bill Arnold
1400 Harris Road
Adamsville, TN 38310
Via electronic filing system

Randall Warren
Warren's Towing
2305 U.S. Highway 64
Adamsville, TN 38310

s/ Dale Conder, Jr.